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17 Attorneys for Plaintiffs
 CORY SPENCER, DIANA MILENA
 18 REED, and COASTAL PROTECTION
 RANGERS, INC.
 19

20 **UNITED STATES DISTRICT COURT**
 21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
 22

23 CORY SPENCER, an individual;
 24 DIANA MILENA REED, an
 individual; and COASTAL
 25 PROTECTION RANGERS, INC., a
 26 California non-profit public benefit
 corporation,

27 Plaintiffs,
 28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF CARL MARSCH
 IN SUPPORT OF PLAINTIFFS'
 MOTION FOR CLASS
 CERTIFICATION**

Judge: Hon. S. James Otero

Date: February 21, 2017

Time: 10:00 a.m.

Crtrm.: 10C. 1st Street Courthouse

1
2 v.

3 LUNADA BAY BOYS; THE
4 INDIVIDUAL MEMBERS OF THE
5 LUNADA BAY BOYS, including but
6 not limited to SANG LEE, BRANT
7 BLAKEMAN, ALAN JOHNSTON
8 AKA JALIAN JOHNSTON,
9 MICHAEL RAE PAPAYANS,
10 ANGELO FERRARA, FRANK
11 FERRARA, CHARLIE FERRARA,
12 and N. F.; CITY OF PALOS
13 VERDES ESTATES; CHIEF OF
14 POLICE JEFF KEPLEY, in his
15 representative capacity; and DOES
16 1-10,

17 Defendants.

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

18 I, Carl Marsch, declare as follows:

19 1. I am a long-time Southern California resident. I grew up in
20 Redondo Beach, California, and currently reside in San Pedro, California,
21 which is about 11 miles from Lunada Bay. I have lived in San Pedro for the
22 past 25 years. I have personal knowledge of the matters stated in this
23 declaration and, if called as a witness, could and would testify competently
24 as to its contents.

25 2. I started surfing in 1959, before the sport was as popular as it is
26 today. At that time, Lunada Bay was open to anyone who wanted to surf.
27 Lunada Bay was a mecca for wonderful waves in the winter. Whereas other
28 locations like Hermosa Beach might only get swells as high as 6 or 7 feet,
Lunada Bay could get waves as high as 10 to 12 feet. I surfed in the area
routinely, enjoying its pristine beauty and powerful waves.

3. In the winter of 1995, I was verbally assaulted by one of the

1 locals when I attempted to surf at Lunada Bay. I was about 52 years old at
2 the time and had paddled out into the ocean to catch a few waves. I was
3 waiting "outside of the line-up," which means that I was not in position to
4 catch the next wave. The line-up is where surfers sit and wait for the next
5 set of waves to begin to break. The larger the wave, the farther out it will
6 break. As I waited patiently outside of the line-up for one of the larger
7 waves, a man in his 20s from Lunada Bay paddled up and began verbally
8 harassing me for no reason. He told me, "You belong at the Cove with the
9 slow waves," and yelled at me to "Get the fuck out of here." I tried to ignore
10 the man, but he persisted in verbally attacking me. The man then
11 threatened me, saying "I'm not going to kick your ass because you're too
12 old." At that point, fearing for my safety, I exited the water.

13 4. I was so angry when I got out of the water that I climbed the trail
14 closest to the water, rather than using the standard trail which allows for a
15 much safer ascent. Even though the nearest trail is steeper and much more
16 treacherous than the standard trail, I wanted to leave the area as quickly as
17 possible because I felt threatened. Not surprisingly, I almost injured myself
18 when trying to climb up the steep trail while carrying my long board.

19 5. I have not returned to surf at Lunada Bay since the verbal
20 assault in 1995. The men at Lunada Bay showed such disregard for the
21 safety of other surfers, both in and out of the water, that I no longer felt safe
22 surfing there.

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1 6. I would love to see Lunada Bay opened up to the public again,
2 where people could enjoy the beach and surf freely without fear of verbal or
3 physical attack. That is how Lunada Bay used to be back in the 1960s, and
4 I would like to see it go back to that again. If it were safe to visit, I would
5 likely visit at least two to three times per year. But unless I could be assured
6 that the harassment and intimidation would stop, it is unlikely that I will ever
7 return to Lunada Bay to surf again.

8 I declare under penalty of perjury under the laws of the United States
9 of America that the foregoing is true and correct.

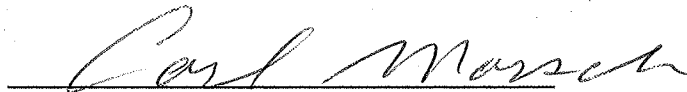
10 Executed in San Pedro, California on December __, 2016.

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12 _____
13 CARL MARSCH
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13 CARL MARSCH
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